

# My House Is Being Foreclosed . . .

## *What Can I Do?*



***You are not alone.***

*Many people in Connecticut are having problems.  
New programs that started July 1, 2008 can help you if you  
are already in the foreclosure process  
or are behind in your mortgage payments.*

Revised August 27, 2008

## Introduction

If you are behind on your mortgage payments, your lender can try to take your home back by foreclosure. This means the lender sues you in court. The court can order that your home be turned over to the lender or that it be sold to pay the mortgage. This pamphlet will tell you about what you can do to try to prevent the loss of your home through foreclosure.

## Things to Do...If You Are Facing Foreclosure

### 1 Talk to your lender right away. Do not ignore the problem.

Talk to your lender as soon as you know you are having problems paying your mortgage. Don't wait for a foreclosure to be started. Once a lender starts a foreclosure case in court, it will cost you more to save your home. Depending on how bad your problem is, you may be able to work out a payment plan or a mortgage modification that will avoid foreclosure.



### 2 Call the Mortgage Foreclosure Assistance Hotline at 1-877-472-8313.

The Connecticut Department of Banking Mortgage Foreclosure Assistance Hotline can answer some of your questions and will send you written materials. The Hotline will not help you negotiate with the lender, but it is a good starting point. **It is always a good idea to call the Hotline. And the sooner you call, the better!**

### 3 Call 2-1-1 to get a referral to a free HUD-approved counselor and to get other help.

You can get a referral to a free HUD-approved housing counselor by calling 2-1-1 Infoline (24 hours a day, 7 days a week). The 2-1-1 hotline can also give you referrals for help with utilities, food, emergency shelter and many other issues.

You can also find a HUD-approved housing counselor on page 9 of this pamphlet or on HUD's website: [www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm).

Unless you are very sure of whom you are dealing with, go only to a HUD-approved housing counselor. It is **always a good idea to contact a HUD-approved housing counselor. The sooner you do this, the better.**

#### **Warning:**

*Be careful of advertisements or scammers who claim they can "save" your home from foreclosure. Work through a HUD-approved counselor.*

### 4 Get a lawyer.

You may be able to get a lawyer at *no charge*. Lawyers who volunteer with the Pro Bono Foreclosure Panel represent low-income homeowners who are in danger of foreclosure.

To see if you can get this help, call Statewide Legal Services at 1-800-453-3320 or 860-344-0380.

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**Call the Connecticut Housing Finance Authority (CHFA) at 1-877-571-2432 or 860-571-3500.**

You may be able to get help from one of CHFA's three new programs. The programs are:

**✓ Emergency Mortgage Assistance Program (EMAP):**

If you are eligible, EMAP can help you get caught up on your overdue payments ("arrearages") and help you with your mortgage payments for up to five years. *But* there must be reason to believe that you will be able to afford to pay your mortgage (or to refinance into a lower rate mortgage) when EMAP stops helping you pay.

- *If you have lost your job*, EMAP may be able to help you pay your mortgage while you find another job.
- *If you are trying to refinance*, EMAP may be able to help you keep up to date on payments until you can find a new mortgage.
- Your lender must send you a notice about this program before starting a foreclosure action against you.
- You **must apply for EMAP within 60 days** after you get the notice about the EMAP program. **DON'T WAIT. The sooner you act, the better.**

*Important DATE!*

*EMAP Request Deadline: 60 days after notice*

✓ **HERO:** This program is for homeowners who owe more on the mortgage than the home is worth. CHFA can bargain with your lender to pay off your mortgage. Then CHFA can refinance you into a less expensive mortgage. You must be able to afford the new CHFA mortgage.

✓ **CT FAMLIES:** This program is for homeowners who have either

- an Adjustable Rate Mortgage ("ARM") with an interest rate that has gone up or is about to go up, *or*
- a high fixed-rate mortgage and are up to date on mortgage payments.

The CT FAMLIES program can help refinance your mortgage. You have to show you can afford a fixed-rate mortgage, and you must have a good record in making mortgage payments (except for the new higher interest rate).

*For more information, call CHFA or visit [www.chfa.org](http://www.chfa.org).*

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**Report predatory lending to the Connecticut Attorney General at 860-808-5318.**

If you think the lender misled you when you got the mortgage or tricked you into a mortgage that you cannot afford, call the Attorney General's Office. They may be able to take action against the lender.

## Things to Do...If You Received Court Papers

If you have not already called the places to get help listed on pages 2 and 3 of this pamphlet, call them NOW.

A foreclosure starts when you are served with the court papers (a *Summons* and *Complaint*). A notice of the new **Foreclosure Mediation Program** and a form to ask for mediation will be included with the court papers. **Talk to a housing counselor or lawyer right away.** (See page 9 for a list of housing counselors.)

### **What is the Foreclosure Mediation Program?**

The Foreclosure Mediation Program is a new program to try to help you work out an agreement with your mortgage lender that will allow you to keep your home. Mediation is a way in which an impartial person (the mediator) helps to resolve the problem. The mediators (who work for the court) will meet with you and your lender together to try to find a solution. If you ask for mediation, you are guaranteed at least one mediation session. There is no charge for the mediation.

The Foreclosure Mediation Program is available to you if

- a mortgage foreclosure action has been brought against you,
- you own the home and live in it, and
- it is a one- to four-family building.

*Important exception:* If the return date in your foreclosure is before July 1, 2008, you must file a motion asking the court for permission to take part in the program. You can get a blank motion form on the web at:

[www.larcc.org/pamphlets/housing/motion\\_inclusion\\_foreclosure\\_mediation.pdf](http://www.larcc.org/pamphlets/housing/motion_inclusion_foreclosure_mediation.pdf)

### To ask for foreclosure mediation:



- ① Fill out the *Foreclosure Mediation Request* form (JD-CV-93) that was attached to the foreclosure papers.  
On the web:  
[www.jud2.ct.gov/webforms/forms/cv093.pdf](http://www.jud2.ct.gov/webforms/forms/cv093.pdf)
- ② Fill out an *Appearance* form (JD-CL-12).  
On the web:  
[www.jud2.ct.gov/webforms/forms/cl012.pdf](http://www.jud2.ct.gov/webforms/forms/cl012.pdf)
- ③ Mail or take the forms to the court clerk so that the clerk will receive them no later than 15 days after the return date. (The return date is on the top right of the *Summons*.)

Note: Forms are also available at the court clerk's office.



**Mediation Request Deadline:**

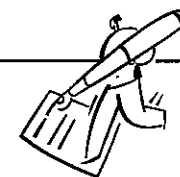
*15 days after the return date.*

**TIPS: How to Make Foreclosure Mediation Work for You**

- IF POSSIBLE, TALK TO A HOUSING COUNSELOR OR LAWYER BEFORE YOU ASK FOR MEDIATION.** If you don't have a lawyer, call **Statewide Legal Services**. A counselor or lawyer may be able to:
  - help you in other negotiations with the lender, and
  - advise you about filing your request for mediation.
  
- APPLY BEFORE THE DEADLINE.** If you want mediation, you **must** apply for it no later than 15 days after the return date. (The return date is on the top right of the *Summons*.) Don't miss this deadline.
  
- FILE AN APPEARANCE form** along with your Mediation Request. (See page 6.)
  
- YOU CAN PROTECT YOURSELF FROM HAVING A DEFAULT ENTERED AGAINST YOU** by filing an Answer to the foreclosure complaint. It is especially important to file an Answer if you cannot work out an agreement in mediation. If possible, talk to a lawyer before you file. If you don't have a lawyer, call Statewide Legal Services. You can get an Answer form on the web at: [www.jud2.ct.gov/webforms/forms/hm018.pdf](http://www.jud2.ct.gov/webforms/forms/hm018.pdf). Use the "Special Defenses" section on the form to explain why the court should let you keep your home.
  
- TAKE A LAWYER with you** to mediation if you have one.
  
- IF YOU WANT TO KEEP YOUR HOME, DO NOT AGREE IN MEDIATION TO MOVE OUT.** If you can't work out a satisfactory agreement, ask to be heard by the judge.
  
- KNOW THE LIMITS OF MEDIATION.** The mediator cannot make the lender agree to anything but may be able to convince the lender to be more flexible. **No one can make you sign an agreement that you think is not satisfactory.** You have the right to be heard by the judge.

**Important Places That Can Help - Call Them!**

Mortgage Foreclosure Assistance Hotline at the CT Department of Banking <a href="http://www.ct.gov/dob">www.ct.gov/dob</a>	1-877-472-8313
2-1-1 Infoline Hotline	2-1-1
Statewide Legal Services	1-800-453-3320 860-344-0380
Connecticut Housing Finance Authority (CHFA) <a href="http://www.chfa.org">www.chfa.org</a>	1-877-571-2432 860-571-3500
Connecticut Fair Housing Center <a href="http://www.ctfairhousing.org">www.ctfairhousing.org</a>	1-888-247-4401
Hartford Office	860-247-4400
New Haven Office	203-772-3247
Connecticut Attorney General <a href="http://www.ct.gov/ag">www.ct.gov/ag</a>	860-808-5318
U.S. Department of Housing and Urban Development (HUD) <a href="http://www.hud.gov">www.hud.gov</a>	
Housing Counselor list	1-800-569-4287
Hartford Office	860-240-4800



**Important Deadlines - Don't Miss Them!**

EMAP .....	60 days after the EMAP notice is mailed to you
Foreclosure Mediation Program .....	15 days after the return date

**HUD-Approved Housing Counselors  
That Help Homeowners Who Are  
Behind on Their Mortgages** (as of 8/2008)

**HUD:** 1-800-569-4287  
[www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm)

**Bridgeport:**

ACORN Housing ..... 203-366-4180

**Hartford:**

CCCS of Southern New England ..... 1-888-845-5669  
 Christian Activities Council ..... 860-527-9860  
 Co Opportunity ..... 860-236-3617 x103  
 Community Renewal Team ..... 860-560-4663  
 Hartford Areas Rally Together ..... 860-525-3449 x102  
 Housing Education Resource Center ..... 860-296-4242  
 Mutual Housing Association of Greater Hdfd. .... 860-296-1797  
 Urban League of Greater Hartford ..... 860-527-0147 x120

**Milford:**

CCCS of Southern New England ..... 1-888-845-5669

**New Britain:**

Neighborhood Housing Services of N. Britain .... 860-224-2433

**New Haven:**

Neighborhood Assistance Corp. of America ..... 203-562-6220  
 Neighborhood Housing Services of New Hvn. .... 203-562-0598 x14

**North Franklin:**

CCCS of Southern New England ..... 1-888-845-5669

**Norwich:**

Catholic Charities ..... 860-889-8346 x271

**Stamford:**

Housing Development Fund ..... 203-969-1830  
 Urban League of South Western CT ..... 203-327-5810 x105

**Waterbury:**

Neighborhood Housing Services of Wtby. .... 203-753-1896 x15

**Legal Services**

**Statewide Legal Services:** (Entry point for the legal services network in Connecticut). **860-344-0380** Central CT area or **1-800-453-3320**.

**Other Legal Services Programs:**

**Hartford, Hartford County:**

**Greater Hartford Legal Aid**  
 999 Asylum Avenue  
 Hartford, CT 06105-2465  
 (860) 541-5000  
 FAX: (860) 541-5050

**Greater New Haven Area:**

**New Haven Legal Assistance Association, Inc.**  
 426 State Street  
 New Haven, CT 06510  
 (203) 946-4811  
 TDD: (203) 946-4811  
 FAX: (203) 498-9271

**Throughout Connecticut:**

**Connecticut Legal Services:**  
**Administrative Office:** (860) 344-0447

**Offices:**

211 State Street  
**Bridgeport, CT** 06604  
 (203) 336-3851

16 Main Street  
**New Britain, CT** 06051  
 (860) 225-8678

153 Williams Street  
**New London, CT** 06320  
 (860) 447-0323

20 Summer Street  
**Stamford, CT** 06901  
 (203) 348-9216

85 Central Avenue  
**Waterbury, CT** 06702  
 (203) 756-8074

872 Main Street  
**Willimantic, CT** 06226  
 (860) 456-1761

**CLS Satellite Offices:**

**Danbury** (203) 348-9216  
**Meriden** (860) 225-8678  
**Middletown** (860) 225-8678  
**Norwalk** (203) 899-2451  
**Norwich** (860) 447-0323  
**Rockville** 1-800-413-7796  
**Torrington** 1-800-413-7797

**AIDS Legal Network for CT**

999 Asylum Avenue  
 Hartford, CT 06105-2465  
 (860) 541-5027 or 1-888-380-3646

**Visit us on the internet:**  
[www.slsct.org](http://www.slsct.org)  
[www.ghla.org](http://www.ghla.org)  
[www.nhlegal.org](http://www.nhlegal.org)  
[www.connlegalservices.org](http://www.connlegalservices.org)  
[www.larcc.org](http://www.larcc.org)



This pamphlet was produced by the Legal Assistance Resource Center of CT in cooperation with Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this pamphlet is based on laws in CT as of August 2008. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services (see above) or contact an attorney.

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